

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

R. DAVIS HOWE, individually and derivatively,

Plaintiff,

- against -

THE BANK OF NEW YORK MELLON, as Indenture
Trustee, BIMINI CAPITAL MANAGEMENT, INC.,
and HEXAGON SECURITIES LLC

Defendants

and THE BANK OF NEW YORK MELLON, as
Indenture Trustee, and PREFERRED TERM
SECURITIES XX, LTD.,

Nominal Defendants.

No. 09-CV-10470 (HB)

ECF Case

STIPULATION AND ORDER OF VOLUNTARY DISMISSAL WITH PREJUDICE

The undersigned counsel for plaintiff R. Davis Howe ("Howe"), defendants The Bank of New York Mellon, as Indenture Trustee ("BNY Mellon") and Bimini Capital Management, Inc. ("Bimini Capital"), and nominal defendants BNY Mellon and Preferred Term Securities XX, Ltd. ("PreTSL XX") hereby stipulate and agree that:

WHEREAS, Howe has filed a First Amended Complaint in connection with his purchase of notes issued by nominal defendant PreTSL XX;

WHEREAS, the Court issued a March 4, 2011 Opinion and Order addressing certain issues in the case;

WHEREAS, defendants deny any such liability or wrongdoing in connection with the claims asserted in the Complaint;

WHEREAS, the parties wish to resolve this action;

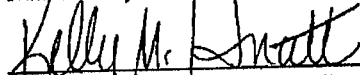
NOW, THEREFORE, Howe, BNY Mellon, Bimini Capital and nominal defendants BNY Mellon and PreTSL XX stipulate that:

1. All claims and causes of action alleged against BNY Mellon, Bimini Capital and PreTSL XX in this action are dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each party bearing its own costs and attorneys' fees;
2. All claims and causes of action alleged against Hexagon Securities LLC were previously dismissed with prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, pursuant to the Stipulation and Order of Voluntary Dismissal With Prejudice of Claims Against Hexagon Securities LLC, entered by the Court on December 8, 2010; and
3. This Stipulation may be executed in counterparts and signed by facsimile or electronically.

In accordance with Rule 41(a)(1)(A)(ii), this stipulation is signed and agreed to by all parties who have appeared.

New York, New York

March 24, 2011



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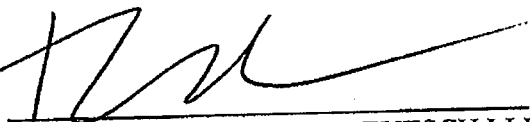
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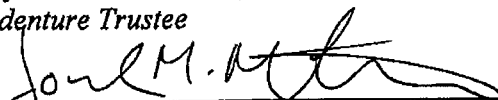
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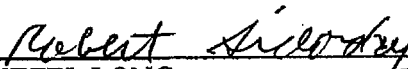
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SO ORDERED

Honorable Harold Baer, Jr.
UNITED STATES DISTRICT JUDGE

Date